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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/111,578	07/08/98	MAEDA	0 P--SF3MG

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EXAMINER

LUU, T

ART UNIT PAPER NUMBER

2878

DATE MAILED: 09/14/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/111,578

Applicant(s)

MAEDA, OSAMU

Examiner

Thanh X Luu

Art Unit

2878

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 8-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 21 July 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☒ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Drawings

1. The corrected or substitute drawings were received on July 21, 2000. These drawings are accepted.
2. Claims 1, 2 and 8-25 are currently pending.

Claim Rejections - 35 USC § 112

3. Claims 1, 2 and 8-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, lines 5-7, the light guiding member is claimed to be conducting detection of the leading and entraining detection of the magnetic tape. It is unclear if the detection of the leading and entraining of the magnetic tape is detected by another light receiving element or the same light receiving element for receiving light guided onto the reel. Or how the detection of the magnetic tape is accomplished.

Claims 2 and 8-25 are indefinite by virtue of their dependency on an indefinite claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art (Figures 2-5), hereinafter, AAPA.

Regarding claim 1, AAPA (Figure 3) discloses a light emitting element (41) and light receiving element (not shown) for detecting the leading or entraining end of a magnetic tape within a cassette, a light guiding member (52) for guiding the light from the light emitting element into the cassette for conducting leading and entraining end detection, and for directly guiding the light onto the side of a reel (12), a light receiving element (51) for receiving light guided onto the side of the reel, a light guiding portion or screening portion (12) provided on the reel; the light emitting element is provided under the deck chassis; and the light guiding member guides the light from the light emitting element to the light receiving element under the deck chassis by way of the light passing or screening portion. Thus, as demonstrated by AAPA, a reel rotation and detection mechanism for a video cassette deck are notoriously well known. Various configurations of light emitting elements and light detecting elements are disclosed. In Figure 4 of AAPA, magnetic tape detection is accomplished with the light emitting and detecting elements both under the deck chassis. However, AAPA do not specifically disclose the reel detection mechanism as consisting of a light path from the light

emitting element below the deck chassis to a point above the deck chassis and directed by way of a light passing portion on the reel when aligned with an opening portion on the deck chassis to the light receiving element under the deck chassis. However, such a modification is simply a translation of the detector (51 of Figure 3) from being above the deck chassis to being disposed below the deck chassis and redirecting the light down towards the detector. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to dispose the light receiving element below the deck chassis in AAPA (Figure 3) since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Furthermore, it is known to dispose the light emitting and receiving elements below the deck chassis as demonstrated by AAPA (Figures 4 and 5)

Regarding claim 2, the apparatus of AAPA (Figure 4) would inherently include an opening in the deck chassis (20) for light from reflectors (44a, 44b) to be transmitted to light receiving elements (42a, 42b), otherwise the leading and entraining end could not be detected.

Regarding claims 8 and 9, AAPA (Figure 3) discloses the light guiding member having a pillar portion (52) extending through the deck chassis to guide the light from the light emitting element into the cassette (not shown) and sideways to illuminate the light receiving element.

Regarding claims 18-21, the apparatus of AAPA (Figure 4) discloses the light receiving element (42a, 42b) provided under the deck chassis and a reflection plate (44a, 44b) for reflecting the light downwards from above the deck chassis.

Furthermore, it would require only routine skill in the art to redirect light for proper detection.

Regarding claims 14-17 and 22-25, the apparatus of AAPA (Figure 5) discloses the light emitting and receiving element being provided on a substrate under the deck chassis. Further, as mentioned above it would require only routine skill in the art to dispose the light receiving element of AAPA (Figure 3) below the deck chassis.

Regarding claims 10-13, AAPA (Figure 3) disclose the disk portion of the reel having a light passing or screening portion (12, 54).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 2 and 8-25 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, it is not novel to rearrange parts and redirect light in an apparatus that is notoriously well known in the art. Such a reconfiguration would require only routine skill in the art. Further, it would reduce costs, as well as, the parts needed for assembly.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seungsook Ham, can be reached on (703) 308-4090. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl

September 1, 2000



Que T. Le
Primary Examiner